

FRANKFORT WEEKLY NEWS.

AND ROUNDABOUT

XXXI.

FRANKFORT, KENTUCKY, AUGUST 15, 1908.

No. 49

ARROW ESCAPE

Of Frankfort's Most Distinguished Men.

Gen. Fayette Hewitt Falls Down Stairs.

Cuts and Bruises On Face Only Injury.

AGED VETERAN OF THE CIVIL WAR.

Gen. Fayette Hewitt, one of the most distinguished citizens of Kentucky, who is spending his declining years at his home in Frankfort, narrowly escaped serious injury at his home and, as it is, he has several cuts and bruises on his face. Gen. Hewitt fell down a short flight of steps, from the bed room into the bath room, and struck on his face. Members of the Hewitt family heard him fall and found Gen. Hewitt bleeding profusely from a cut on the cheek and another on the chin. He was picked up and a physician summoned but the veteran of the war refused to be knocked out by a little thing like a fall and he is now able to be up and about in his room.

Gen. Hewitt has been in failing health for several months and at various times it was feared that he might die. Each time he would rally and after a few days would be able to walk about his house and yard. He has been on the street only a few times in several months but the prospects are that he will live several years longer. Gen. Hewitt insists on waiting on himself and does not like to be an invalid.

He had not been well for several days ago and was just getting back to his normal condition when he fell. He had arisen in the night and started for the bathroom. The bathroom is lower than the bed room which is occupied by Gen. Hewitt and in going down the steps leading to the bath room, Gen. Hewitt stumbled and pitched forward on his face. On account of his years it is remarkable that no bones were broken by the fall and Gen. Hewitt feels that he was lucky in escaping with such slight injuries. He was considerably jolted and shaken by the fall and has not entirely recovered from the effects of it. Nothing of a serious nature, however, will result and the General expects to be out in a few days.

Gen. Hewitt is one of the most distinguished men in Kentucky and is known all over the country on account of his learning and his record during the Civil war.

FRANKFORT BEST PLACE FOR HOME.

FRED NICHOLS RETURNS AFTER TRYING OKLAHOMA AND WILL NOT LEAVE AGAIN.

"Frankfort is good enough for me and I am never going to wander away to strange climes any more."

This is the sentiment of a large number of persons who are now making Frankfort their home, but it was expressed most recently by Fred Nichols, who went to Oklahoma to live. Mr. Nichols did not stay there long, and after looking about him, decided that Kentucky was far better than Oklahoma, so he packed his belongings again and came back to Frankfort as quickly as the trains could bring him.

Mr. Nichols has spent all his days in Frankfort, but every now and then he has moved away. Each time he comes back in a few weeks, and this last excursion resulted in the conviction that Frankfort is the only place on the map worth living in. He has now settled for good.

FIVE INJURED

When Cars Runs Into Bumper In Depot.

Kentucky Rifle Team In Crash At Cincinnati.

Capt. Jackson Morris Suffers Broken Ribs.

CLOSE CALL FOR MANY SOLDIERS.

Cincinnati, Aug. 14.—Several members of the Kentucky State Guard rifle team, on their way to compete in the contest at Camp Perry, Ohio, narrowly escaped fatal injuries when the tourist car which bore them crashed into a bumper in Grand Central Station last evening. Five of them were so badly hurt that Doctor Kearns, railroad surgeon, and Dr. T. C. Minor, who were soon on the scene, found a heavy task before them in ministering to the wounded.

The men most seriously injured are Captain Jackson Morris, of Frankfort, internally Sergeant Wiley Morris, McWorter, ribs probably broken; Lieutenant Foster Helm, Lexington, back wrenched; Captain Felix Kerick, of Louisville, head and neck bruised; W. H. Ratcliff, Lexington, cuts on side and right leg.

Nineteen men were on the special car attached to train No. 32, of the Louisville & Nashville division. The train left Lexington at 2:40 p. m. and was due to reach Cincinnati at 6:10 p. m. It came in only two minutes late, and was backing down track No. 1, preparatory to stopping, when Conductor Sorrell saw there was something wrong. Instead of slowing down the momentum of the train increased as it neared the station. The conductor called on the air brakes, but they failed to respond. In desperation, he rushed to the rear platform and frantically twisted the hand brake. This failed to have any effect, and, with the train moving at the rate of eight or ten miles an hour and the seven cars dragging the engine, it crashed into the bumper with such force that it shook the entire station.

Several of the soldiers were on the rear platform and seeing what was coming, braced themselves and so escaped injury, but those on the inside were all more or less bruised, in addition to the five men who were more seriously hurt. Passengers in the forward cars were also badly shaken up, and several of them sustained slight bruises.

The impact was so great that the heavy bumper was wrenched from its foundation, the big iron braces bent and twisted.

Among the Kentucky riflemen were many of the most prominent young men in the State under command of Major Victor K. Dodge, of Lexington. They were the winners of the contest near Frankfort, and expected to add to their laurels on the Camp Perry national range.

Capt. Jackson Morris is Assistant Secretary of State, and it was he who sustained the most serious injuries. It is thought his ribs are broken, and that he is badly injured internally.

Regardless of their injuries, the men insisted on proceeding to Camp Perry to witness the shoot, whether they are able to participate or not, so their car was attached to the Big Four train, which left Cincinnati at 9:20 p. m.

TO LIVE IN COVINGTON.

Mrs. Julia Hopple South and her mother, Mrs. Hopple, have gone to Covington to make their home. Mrs. South recently filed suit for divorce from her husband, Sam South.

Mrs. Wm. T. Barret left Monday for Wequetonsing, Mich., where she will remain until early in the fall.

MUST SUE

To Get Money Appropriated By Legislature.

Normal School And State University Bill.

Will Have To Go Through Court of Appeals.

ATTORNEY-GENERAL SO ADVISES.

Suit must be brought to determine the constitutionality of the act appropriating half a million dollars to the State university and the two normal schools before the State Auditor will pay any of the money which was appropriated. Attorney General James Breathitt Friday afternoon gave his opinion to the Auditor, in which he says that such grave doubt exists as to the constitutionality of the act and the right of the Legislature to appropriate money without submitting the question to the vote of the people, that he would advise a friendly suit before any payment is made. The Attorney General does not say that the act is unconstitutional, but advises the Auditor not to pay the money, even the annual appropriation for the State university, until the Court of Appeals has passed on the act.

The opinion of the Attorney General means that the three educational institutions cannot get the money appropriated until the Court of Appeals has passed on the constitutionality of the act, and it will require several months for the case to be reached in the highest court. The delay need not be long, as Judge Breathitt points out in his opinion, but he suggests that it would be best to wait until after the courts have passed on the case. Frank P. James, the State Auditor, will hold up the warrants which have been drawn on the Treasurer until after a decision by the Court of Appeals and will refuse to pay the money.

By the act of last session, the largest appropriation ever made for educational purposes was made. The act appropriated half a million dollars to the State university and the normal schools, and increased the annual appropriations of the three institutions by \$70,000. The bill was hard fought in the House, and was passed only after a bitter contest. The Governor was about to veto the act, but finally was prevailed upon to sign it. When the time came to draw the appropriation for annual maintenance, the State university ran into another snag, the Auditor refused to pay the money, holding that there was doubt about the power of the Legislature to make the appropriation. It was the extra annual appropriation for the State university which caused the appeal to the Attorney General. The university wanted the money, which was to be paid out of the money for the current fiscal year.

In his opinion, the Attorney General says that the money for the schools and for the university must be paid out of the general expense fund and no special fund can be set aside, even if the appropriation is legal. He also holds that the appropriation cannot take precedence over the money necessary for the other expenses of the State, and if there is no money left after the expenses of the State have been paid, then the schools would have to go without. The whole question is now to be threshed over in the courts.

Miss Ruth Jilson has returned from Versailles, where she was the guest of Miss Virginia Thompson.

Mrs. Jno. W. Gaines entertained as her guests during the week Mr. and Mrs. Harry Sharp, of St. Louis.

Miss Bonnie Mitchell spent the week in Versailles, as the guest of Miss Ethel Olson.

NEW USE

Suggested For Famous Old State House.

May Be Occupied By Court Of Appeals,

Governor Favors The Proposed Plan.

QUESTION IN UNSETTLED STATE.

A new use has been found for the old State House and the suggestion comes from a less authority than Gov. A. B. Wilson. It is proposed to remodel and refit the inside of the old building and have it used exclusively by the Court of Appeals, as a temple of justice. The suggestion is that the court take over the entire building, which could be changed inside to suit the needs of the court, at a cost of not more than \$10,000, and use it as the Supreme Court of the United States uses its portion of the Capitol at Washington. This plan would insure the preservation of the building and would put the Court of Appeals where it is much easier to reach than if the court had the quarters provided in the new Capitol.

This whole matter will be submitted to the Court of Appeals as soon as the Judges return from their summer vacations. At present the plan is in no definite form, and has not been considered seriously, but there is said to be good prospects that the suggestion made by the Governor will be carried out. It has been talked about before, but nothing came from an authoritative source concerning such a use for the old building. Now that the Governor has expressed his approval of such a plan, it is probable that the suggestion will be considered seriously.

By making some changes in the internal arrangement of the old building it could be perfectly adapted to the uses of the court. It has been suggested that the Senate chamber be changed so as to make the floor level, some of the windows cut down so as to give more light, and this room be used by the court when on the bench. The House chamber could be used as a consultation room and the present court room could be used by the clerk of the court, who could spread out considerably and have much more room than he has at present. The law library would be allowed to remain as it is now, with Frank Kavanaugh, the librarian, in charge, as at present. The reference library and such books as would be used by the Legislature or the various branches of the State departments, would be located in the new capitol as planned at present.

The Supreme Court has settled itself in the central portion of the new capitol at Washington, and is complete master of that part of the capitol. No one is allowed to make any changes without permission from the court.

Gov. Willson was telling a story about this the other day, when he was talking about the plan to have the Kentucky Court of Appeals use the old State House.

"One day the architect of the capitol went into the Supreme Court rooms, to make some changes," said the Governor. "The chief officer of the court stopped the architect and asked him what he was going to do there. He replied that he was the architect of the capitol and proposed making some changes."

"If you do not want to go to jail for contempt, you had better get out of here," the officer said. "If you want to make any change in this part of the building, you will have to lay the matter before the court, and they will tell you what to do. The court controls this, and will not allow any one to interfere with its rights."

of Appeals might do the same thing with this old building. The people will never permit its being destroyed, and it should be put to some use. It seems to me that the best possible use for it would be to have the Court of Appeals here. The building looks like a temple of justice with its columns in front and it would make an ideal place for the court."

Owing to the distance from the main hotels and the railroad station, it is thought that the location of the Court of Appeals in the new capitol is going to prove inconvenient for the lawyers who practice before the court. Many of them come up on the morning trains and have only a short time here. It is easy for them to reach the court now and they are going to find it inconvenient when they have to go to the south side to reach the court rooms. It is said that the judges of the court hate to leave their present quarters, and that they would favor staying in the State House.

Handsome quarters for the court have been prepared in the new capitol, and it was expected that the court would occupy them. The library is also to be housed there, according to the plans of the Capitol Commission, which built the new capitol. However, the proposed change would be easily made. Frank Kavanaugh has two assistants in the library and his assistants could easily attend to the reference library, which would be in the new capitol. This would leave Mr. Kavanaugh free to attend to the law library, which is the most important branch of the library. The whole question has been presented, as yet, only tentatively, but something may come of it.

EDWARD L. SAMUEL DIES OF OLD AGE.

PRESIDENT NATIONAL BRANCH BANK OF KENTUCKY PASSES AWAY.

Grief over the death of his wife, and the infirmities incident to old age, caused the death early Friday morning of Edward L. Samuel, one of the oldest and most respected citizens of Frankfort. He passed away at his home, the end coming peacefully. Mr. Samuel was 81 years old and since the death of his wife, one year ago, has never been the same. He had no children, but several nephews and nieces he had reared are left to mourn him.

Mr. Samuel has been president of the National Branch Bank of Kentucky since it was made into a national bank. In his early life he was in the grocery business in Frankfort, where he was born and reared. He went to Louisville and took a position with the Bank of Kentucky some years before the war. Later he came back to Frankfort as cashier of the Branch Bank of Kentucky, which had been established in 1835. This position Mr. Samuel held for about forty years. He was an elder in the northern branch of the Presbyterian Church for many years, and was one of the most highly esteemed and substantial citizens of Frankfort.

Railway Company Wants Right To Bid.

The question of the right of the city of Lexington to sell a franchise for a street railroad line and provide in the ordinance authorizing such a sale that the Lexington City Railroad Company cannot bid on the franchise was argued before Judges O'Rear and Settle, of the Court of Appeals Friday afternoon. The street railway company of Lexington, which is excluded from bidding, seeks an injunction to restrain the city from excluding it. The case was argued by Judge Jere Morton and Samuel Wilson, representing the railroad company, and Major J. Embury Allen, city solicitor, and Bailey Berry, representing the city. The points of law involved are much the same as those involved in the Fetter franchise case, from Louisville.

Judge and Mrs. Edw. C. O'Rear were in Louisville during the week as guests at the Seelbach.

Mr. and Mrs. Wm. S. Polsgrove spent several days in Louisville during the week, as the guests of friends.

LONG DELAY

Before New Capitol Will Be Occupied.

Cannot Be Finished Before Next Spring.

Power House Will Require Six Months.

NO PLANS NOW FOR THE DEDICATION

Instead of occupying the new capitol in September, it is now practically certain that the new building will not be used until next spring and possibly not until summer, when there is no need for fires. It will be at least six months before the power plant and heating apparatus is installed and until the heating plant is ready for use the building can not be occupied. Ground has not yet been broken for the power plant and it will require 120 working days to complete this plant. This is four months, not including Sundays or holidays and when it rains work will stop. As rain is to be expected during the next few months frequently, it means that the power plant will not be completed in less than six months. That would throw the completion of the plant into February and even then many things will be necessary before the building can be used.

"We delayed too long, that is all there is to it," said Frank P. James, State Auditor and a member of the Capitol Commission. "We should have let the contract for the power plant as soon as the Legislature adjourned last winter. If we had done that, we might be able to get into the building this fall, but we will be lucky now if we get it ready for use by next spring."

Mr. James and Capt. Ed Farley, State Treasurer, also a member of the Commission, were asked if they had taken up the plans for the dedication of the building.

"What is the use of talking about dedication now, when we can not dedicate the building for nearly a year?" they replied. "The building can not be used until the power plant is ready for it will be cold and we would have no way to heat the building. Then they have to dig a tunnel and if the weather is bad, as it will be, it will delay that work, so that it will be in February before the power plant is completed, if it is finished at that time."

Frankfort people are much disappointed that the handsome new capitol is not to be used this winter. It was expected that the building would be furnished within the next few weeks and would be occupied by the first of November. Now the announcement is made that the commission does not hope to have the building ready for use before spring and Frankfort is sorry. The present Capitol Commission is trying its best to get things finished and regrets the delay but regards it as unavoidable now.

Man Will Recover Without a Stomach.

An operation that is rarely performed was made several days ago at St. Joseph's hospital in Lexington, when, the stomach of Richard Gentry, of Athens, was removed on account of severe trouble with it. The operation is one that has not been made more than five or six times in the United States and is said to be the only one that has ever been made in Lexington.

The physician having the case in charge called in consultation two of his associates. After a consultation it was decided to make this operation and Mr. Gentry was immediately notified of the ordeal.

Richard Gentry is a farmer living near Athens. He is growing stronger every day, although he eats nothing but predigested and liquid foods.